

PATENT

Docket No. RSW920030014US1  
(356928.00017)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

INVENTORS:	David A. Selby	Confirmation No. 2671
APPLICATION NO.	10/674,188	
FILED:	September 29, 2003	Examiner: D. Lastra
CASE NO.	RSW920030014US1	Group Art Unit: 3688
TITLE:	INCENTIVE-BASED WEBSITE ARCHITECTURE	

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Commissioner for Patents  
MAIL STOP APPEAL BRIEF-PATENTS  
P.O. Box 1450  
Alexandria, VA 22313-1450

Attention: Board of Patent Appeals and Interferences

**REPLY BRIEF**

This Reply Brief is filed in response to the Examiner's Answer, mailed November 12, 2010. Applicant believes that no fee is associated with the filing of this brief, but authorizes the Commissioner to charge any required fees to Deposit Account No. 09-0457.

**1. REPLY TO EXAMINER'S ARGUMENTS**

On pages 6 through 9 of the Examiner's Answer, the Office makes assertions regarding, *inter alia*, U.S. Patent Application Publication No. 2002/0062245 (Nui).

As Applicant has pointed out, the claimed invention includes "identifying probabilities of selection with respect to all selections offered by said interactive content-delivery system" and then assigning probabilities based on this complete analysis of all selections offered by the

system. In a website embodiment, this covers the aspect of analyzing all possible pathways on the website and then assigning probabilities based on this analysis.

The Office in its Answer contends that Nui teaches this claimed aspect. Applicant respectfully disagrees. The Examiner directs the Board to paragraphs [0068] to [0072] of Nui, where sub-rules are described that are directed to content within a website that have been *viewed* *by* or *acted on* by a user (e.g., "viewed between X and Y products"; "viewed between X and Y pages"; "has shopping cart containing X and Y items"; "probability of returning"; "viewed between X and Y product categories"; "viewed a product for more than X to Y seconds", etc.). This argument essentially points out a primary difference between the claimed invention and the Nui. In the claimed invention, ALL available content ("all selections offered by said interactive content-delivery system") is analyzed and then the probabilities are assigned based on this complete analysis of all possible destinations for a user, regardless of whether a user has actually viewed or acted on that content. The claimed invention is not concerned with the activity of a particular user at all. Nui, on the other hand, is focused only on content that has actually been viewed or acted on by a user and then uses this information for deciding how to incent that user. Applicant reiterates, therefore, that nothing in Nui teaches or reasonably suggests the claimed aspect of "identifying probabilities of selection with respect to all selections offered by said interactive content-delivery system", and likewise, none of the cited art teaches or suggests this claimed feature.

**2. CONCLUSION**

For the foregoing reasons, and the reasons set forth in Applicant's Appeal Brief, Applicant respectfully requests this Board to overrule the Examiner's rejections and allow claims 9-22.

Respectfully submitted:

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Date

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